



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

APR -1 2014

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Dennis Werblow  
Director of Corporate Environmental Affairs  
Decorative Panels International  
416 Ford Avenue  
Alpena, MI 49707

**Re: Finding of Violation**  
Decorative Panels International  
Alpena, Michigan

Dear Mr. Werblow:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to Decorative Panels International ("DPI" or "you"). We find that you have violated Sections 112 and 502 of the Clean Air Act (CAA), 42 U.S.C. §§ 7412 and 7661(a) at your Alpena, Michigan facility.

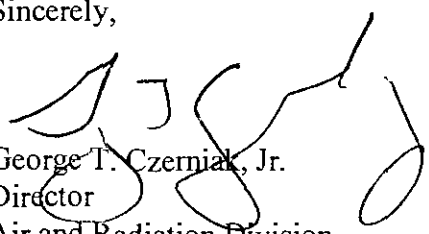
We have several enforcement options under Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the FOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Natalie Topinka. You may contact her at 312-886-3853 or [topinka.natalie@epa.gov](mailto:topinka.natalie@epa.gov) to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



George T. Czerniak, Jr.  
Director  
Air and Radiation Division

Enclosure: SBREFA fact sheet

cc: Tom Hess, MDEQ  
Janis Denman, MDEQ

1. On July 30, 2004, EPA promulgated the NESHAP for Plywood and Composite Wood Products (PCWP) at 40 C.F.R. Part 63, Subpart DDDD (69 Fed. Reg. 45983).
2. The NESHAP for PCWP applies to PCWP manufacturing facilities that manufacture hardboard and that are major sources of Hazardous Air Pollutants (HAP). 40 C.F.R. § 63.2231.
3. The NESHAP for PCWP, at § 63.2232, applies to each new, reconstructed, or existing affected source at a PCWP manufacturing facility.
4. The NESHAP, at 40 C.F.R. § 63.2240(b), requires owners of an existing affected PCWP manufacturing facility that uses an emission control system to demonstrate that the resulting emissions meet the compliance options and operating requirements in Tables 1B and 2 to Subpart DDDD.
5. The NESHAP, at 40 C.F.R. Part 63, Subpart DDDD, Table 1B, requires that for each process unit with an add-on control system the owner or operator must comply with one of the following six compliance options:
  - (1) Reduce emissions of total HAP, measured as total hydrocarbon (THC) (as carbon), by 90 percent; or
  - (2) Limit emissions of total HAP, measured as THC (as carbon), to 20 parts per

million volume dry (ppmvd); or

(3) Reduce methanol emissions by 90 percent; or

(4) Limit methanol emissions to less than or equal to 1 ppmvd if uncontrolled methanol emissions entering the control device are greater than or equal to 10 ppmvd; or

(5) Reduce formaldehyde emissions by 90 percent; or

(6) Limit formaldehyde emissions to less than or equal to 1 ppmvd if uncontrolled formaldehyde emissions entering the control device are greater than or equal to 10 ppmvd.

6. The NESHAP, at 40 C.F.R. Part 63, Subpart DDDD, Table 2, requires that for each biofilter, the owner or operator must either maintain the 24-hour block biofilter bed temperature within the range established according to § 63.2262(m); or maintain the 24-hour block average THC concentration in the biofilter exhaust below the maximum concentration established during the performance test. Section 63.2262(m) describes the establishment of biofilter operating requirements.
7. The NESHAP, at 40 C.F.R. Part 63, Subpart DDDD, Table 2, requires that for each catalytic oxidizer, the owner or operator must either maintain the 3-hour block average catalytic oxidizer temperature above the minimum temperature established during the performance test and check the activity level of a representative sample of the catalyst at least every 12 months; or maintain the 3-hour block average THC concentration in the catalytic oxidizer exhaust below the maximum concentration established during the performance test. Section 63.2262(l) describes the establishment of catalytic oxidizer operating requirements.
8. The NESHAP, at 40 C.F.R. § 63.2271(a) and Part 63, Subpart DDDD, Table 7, requires that for each process using a biofilter, the owner or operator must demonstrate continuous compliance with the compliance options and operating requirements of Table 1B to Subpart DDDD by conducting a repeat performance test using the applicable method(s) specified in Table 4 to Subpart DDDD within 2 years following the previous performance test.
9. The NESHAP, at 40 C.F.R. § 63.2290 and Table 10 of Subpart DDDD, states that the NESHAP General Provisions at 40 C.F.R. § 63.6(e)(1-2) applies to Subpart DDDD.
10. The NESHAP, at 40 C.F.R. § 63.2250(b), requires the owner or operator to operate and maintain its affected source, including air pollution control and monitoring equipment, according to the provisions in 40 C.F.R. § 63.6(e)(1)(i).
11. On March 16, 1994, EPA promulgated the General Provisions for the Part 63 NESHAP standards at 40 C.F.R. Part 63, Subpart A, § 63.1-63.15 (59 Fed. Reg. 12430).

12. The NESHAP, at 40 C.F.R. § 63.6(e)(1)(i), requires the owner or operator of an affected source to operate and maintain the affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions.
13. Title V of the CAA, 42 U.S.C. §§ 7661a-7661f, establishes an operating permit program for certain sources, including "major sources." Pursuant to Section 502(b) of the CAA, 42 U.S.C. § 7661a(b), on July 21, 1992, EPA promulgated regulations establishing the minimum elements of a permit program to be administered by any air pollution control agency. 57 Fed. Reg. 32295. These regulations are codified at 40 C.F.R. Part 70.
14. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), states that, after the effective date of any permit program approved or promulgated under Title V of the CAA, no source subject to Title V may operate the source except in compliance with its Title V permit.
15. 40 C.F.R. § 70.7(b) states that, no source subject to Title V may operate the source except in compliance with a Title V permit.
16. EPA granted full approval to the Michigan Title V operating permit program on December 4, 2001. 66 Fed. Reg. 62949. The program became effective on November 30, 2001.
17. On December 17, 2009, the Michigan Department of Natural Resources and Environment, now known as the Michigan Department of Environmental Quality (MDEQ), Air Quality Division (AQD) issued to DPI the Renewable Operating Permit (ROP) MI-ROP-B1476-2009b. This permit was revised on June 1, 2013, and is effective until December 17, 2014.
18. Permit MI-ROP-B1476-2009b states that DPI's No. 1 and No. 3 Presses, coolers, and associated equipment, and the Predryer and Bake Oven for the No. 3 press line are subject to the requirements of 40 C.F.R. Part 63, Subpart DDDD.
19. Permit MI-ROP-B1476-2009b, Flexible Group Conditions for FG PRESSES, III.2 (Process/Operational Restriction(s)), states that DPI shall not operate EUPRESS2S and/or EU3PRESS-AREA except as specified in a PM/MAP [Preventative Maintenance/Malfunction Abatement Plan], approved by the AQD, for the No. 1 and No. 3 Biofilters.

### **Factual Background**

20. At all times relevant to this notice, DPI owned and operated a plywood and composite wood products manufacturing facility at 416 Ford Avenue, Alpena, Michigan.

21. At all times relevant to this notice, DPI manufactured hardboard at the manufacturing facility.
22. At all times relevant to this notice, DPI owned and operated two reconstituted wood product presses, known as the No. 1 Press and the No. 3 Press at the manufacturing facility.
23. At all times relevant to this notice, DPI owned and operated a hardboard oven, known as the No. 3 Bake Oven.
24. The No. 1 Press, cooler, and associated equipment are identified in Permit MI-ROP-B1476-2009b as Emission Unit EUPRESS2S. Emissions from EUPRESS2S are controlled by the No. 1 Biofilter.
25. The No. 3 Press and cooler are identified in Permit MI-ROP-B1476-2009b as Emission Unit EU3PRESS-AREA. Emissions from EU3PRESS-AREA are controlled by the No. 3 Biofilter.
26. The No. 3 Bake Oven is identified in Permit MI-ROP-B-1476-2009b as Emission Unit EU3 BAKEOVEN. Emissions from EU3 BAKEOVEN are controlled by the Regenerative Catalytic Oxidizer (RCO).
27. DPI's PM/MAP for the No. 1 Biofilter was finalized on December 1, 2003, and revised several times since that date. The latest revision was in September 2011 and was submitted to MDEQ for approval.
28. The PM/MAP, at Part C, states that the No. 1 Biofilter media will be changed out every 3 to 5 years, or more frequently, if needed.
29. DPI's manufacturing facility is an emission source subject to the requirements of the CAA, including 40 C.F.R. Part 63, Subpart DDDD.
30. DPI's manufacturing facility is located at a major source of HAP emissions as set forth at 40 C.F.R. § 63.2231.
31. DPI's No. 1 and No. 3 Presses and No. 3 Bake Oven are affected sources according to § 63.2232(b).
32. On January 24, 2013, EPA Region 5 sent to DPI a Request for Information under Section 114 of the CAA. DPI received the request on February 4, 2013. On February 12, 2013, EPA sent a revised request.
33. DPI submitted a response to the January 24, 2013 Request for Information and associated revised request to EPA on March 5, 2013.

34. On December 17, 2013, EPA Region 5 sent to DPI another Request for Information under Section 114 of the CAA. DPI received the request on December 23, 2013.
35. DPI submitted a response to the December 17, 2013 Request for Information to EPA on January 17, 2014.
36. In its January 17, 2014 response to EPA's December 17, 2013 Request for Information, DPI stated that the biofilter media on its No. 1 Biofilter was changed or replaced in 1997, 1998, 2001, 2004, 2007, and 2013.
37. On May 29, 2013, DPI conducted compliance testing activities and discovered that the roof panels on the No. 3 Biofilter were leaking due to structural problems, which interfered with the proper performance of the Biofilter. DPI described these observations in a letter dated July 26, 2013, to Ms. Janis Denman of MDEQ.
38. In its July 26, 2013 letter to Ms. Janis Denman of MDEQ, DPI stated that it was unable to conduct performance testing on its No. 1 and No. 3 Biofilters within two years of its last performance tests conducted August 24-26, 2011 and July 26-28, 2011, respectively.
39. DPI conducted performance testing of the No. 1 and No. 3 Biofilters for DDDD compliance on August 24-26, 2011, and July 26-28, 2011, respectively. These tests also established the operating temperature ranges of 73-87°F for the No. 1 Biofilter and 74-91°F for the No. 3 Biofilter.
40. A performance test of the RCO conducted on December 7, 2011, established a minimum operating temperature of 818°F for the RCO.
41. For the 24-hour block averages/days detailed in Attachment A, the No. 1 Biofilter did not operate within the established temperature range of 73-87°F.
42. For the 24-hour block averages/days detailed in Attachment B, the No. 3 Biofilter did not operate within the established temperature range of 74-91°F.
43. For the days detailed in Attachment C, the temperature of the RCO did not meet the established minimum temperature of 818°F for at least one three-hour block average during that day.

#### **Violations**

44. By failing to maintain the minimum operating temperature for the RCO and to operate within the established temperature ranges for the No. 1 and No. 3 Biofilters, on the dates specified in Attachments A, B, and C, DPI failed to demonstrate that its emissions met the compliance options and operating requirements at its No. 1 and No. 3 Presses and at its No. 3 Bake Oven in violation of 40 C.F.R. § 63.2240(b) and

Permit MI-ROP-B1476-2009b, Flexible Group Conditions for FGMACTDDDD, III.1 and 2 (Process/Operational Restriction(s)).

45. By knowingly operating the No. 3 Biofilter with a leaking or collapsed roof panel from at least May 29, 2013, through at least November 3, 2013, DPI failed to operate EU3PRESS-AREA and the No. 3 Biofilter in a manner consistent with safety and good air pollution control practices for minimizing emissions, in violation of 40 C.F.R. § 63.2250(b) and 40 C.F.R. § 63.6(e)(1)(i).
46. By failing to change out the No. 1 Biofilter media at least every 5 years, DPI is in violation of Permit MI-ROP-B1476-2009b, Flexible Group Conditions for FGPRESES, III.2 (Process/Operational Restriction(s)).
47. By failing to conduct repeat performance tests of its No. 1 and No. 3 Biofilters within two years of the previous performance tests, DPI is in violation of 40 C.F.R. § 63.2271(a), Table 7 of Subpart DDDD, and Permit MI-ROP-B1476-2009b, Flexible Group Conditions for FGMACTDDDD, IX.2 (Other Requirement(s)).

Date

4/1/14

  
George T. Czerniak, Jr.  
Director  
Air and Radiation Division



## Attachment A

Dates on which the No. 1 Biofilter did not maintain a 24-hour block average temperature within the established temperature range of 73-87°F

1/3/2012
1/17/2012
1/24/2012
2/7/2012
2/8/2012
2/9/2012
2/20/2012
2/22/2012
2/23/2012
5/22/2012
5/23/2012
5/24/2012
5/25/2012
3/13/2013
3/14/2013
6/15/2013
7/31/2013

## Attachment B

Dates on which the No. 3 Biofilter did not maintain a 24-hour block average temperature within the established temperature range of 74-91°F

1/1/2012	10/31/2013
1/2/2012	11/1/2013
1/3/2012	11/2/2013
1/4/2012	11/3/2013
1/5/2012	
1/6/2012	
1/9/2012	
1/10/2012	
1/14/2012	
1/15/2012	
1/16/2012	
1/24/2012	
2/7/2012	
2/8/2012	
2/20/2012	
2/22/2012	
2/23/2012	
5/31/2012	
6/1/2012	
9/25/2012	
9/26/2013	
9/27/2013	
9/29/2013	
9/30/2013	
10/1/2013	
10/4/2013	
10/5/2013	
10/6/2013	
10/10/2013	
10/19/2013	
10/20/2013	
10/21/2013	
10/22/2013	
10/23/2013	
10/24/2013	
10/25/2013	
10/26/2013	
10/27/2013	
10/28/2013	
10/29/2013	
10/30/2013	

## Attachment C

Dates on which the RCO did not meet the established minimum temperature of 818°F  
for at least one three-hour block average

1/10/2012
1/11/2012
1/15/2012
1/17/2012
1/18/2012
1/24/2012
1/31/2012
2/7/2012
2/8/2012
2/20/2012
2/22/2012
2/23/2012
3/7/2012
3/11/2012
3/20/2012
3/24/2012
4/4/2012
4/26/2012
5/2/2012
5/22/2012
5/23/2012
5/24/2012
5/25/2012
12/27/2012
6/14/2013
9/13/2013
10/24/2013
11/3/2013
12/28/2013

## CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Finding of Violation, No. EPA-5-14-MI-06, by Certified Mail, Return Receipt Requested, to:

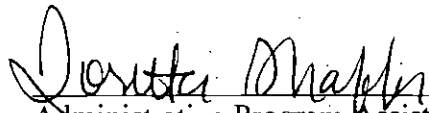
Dennis Werblow  
Director of Corporate Environmental Affairs  
Decorative Panels International  
416 Ford Avenue  
Alpena, Michigan 49707

I also certify that I sent copies of the Finding of Violation by first-class mail to:

Tom Hess  
Michigan Department of Natural Resources and Environment  
P.O. Box 30260  
Lansing, Michigan 48909

Janis Denman  
Michigan Department of Natural Resources and Environment  
2100 West M-32  
Gaylord, Michigan 49735-9282

On the 2 day of APRIL 2014

  
Administrative Program Assistant  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7670 0764